United Nations A/C.6/73/L.24

General Assembly

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Seventy-third session
Sixth Committee
Agenda item 82
Report of the International Law Commission on the work of its seventieth session

Draft resolution

Identification of customary international law

The General Assembly,

Having considered chapter V of the report of the International Law Commission on the work of its seventieth session,[1] which contains the draft conclusions on identification of customary international law,

Taking note of the recommendation of the International Law Commission contained in paragraph 63 of its report,

Noting the memorandum by the Secretariat on ways and means for making the evidence of customary international law more readily available, which surveys the present state of evidence of customary international law and makes suggestions for its improvement,[2]

Noting also the bibliography on the subject prepared by the Special Rapporteur,[3]

Emphasizing the continuing importance of the codification and progressive development of international law, as referred to in Article 13, paragraph 1 (a), of the Charter of the United Nations,

Noting that the subject of identification of customary international law is of major importance in international relations,

1. *Welcomes* the conclusion of the work of the International Law Commission on identification of customary international law and its adoption of the draft conclusions and commentaries thereto;[4]

[1] *Official Records of the General Assembly, Seventy-third Session, Supplement No. 10* (A/73/10).
[2] A/CN.4/710.
[3] A/CN.4/717/Add.1.
[4] *Official Records of the General Assembly, Seventy-third Session, Supplement No. 10* (A/73/10), para. 66.

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2. *Expresses its appreciation* to the International Law Commission for its continuing contribution to the codification and progressive development of international law;

3. *Takes note* of the statements in the Sixth Committee on the subject, including those made at the seventy-third session of the General Assembly,[5] after the International Law Commission had completed its consideration of this topic in accordance with its statute;

4. *Also takes note* of the conclusions on identification of customary international law, the text of which is annexed to the present resolution, with the commentaries thereto, brings them to the attention of States and all who may be called upon to identify rules of customary international law, and encourages their widest possible dissemination;

5. *Acknowledges* the utility of published digests and surveys of practice relating to international law, including those that make legislative, executive and judicial practice widely available, and encourages States to make every effort to support existing publications and libraries specialized in international law.

[5] See A/C.6/73/SR.20, A/C.6/73/SR.21, A/C.6/73/SR.22, A/C.6/73/SR.23, A/C.6/73/SR.24 and A/C.6/73/SR.29; see also the statements in the Sixth Committee that are available on the United Nations PaperSmart portal.

Annex

Identification of customary international law

Part One
Introduction

Conclusion 1
Scope

The present conclusions concern the way in which the existence and content of rules of customary international law are to be determined.

Part Two
Basic approach

Conclusion 2
Two constituent elements

To determine the existence and content of a rule of customary international law, it is necessary to ascertain whether there is a general practice that is accepted as law (*opinio juris*).

Conclusion 3
Assessment of evidence for the two constituent elements

1. In assessing evidence for the purpose of ascertaining whether there is a general practice and whether that practice is accepted as law (*opinio juris*), regard must be had to the overall context, the nature of the rule, and the particular circumstances in which the evidence in question is to be found.

2. Each of the two constituent elements is to be separately ascertained. This requires an assessment of evidence for each element.

Part Three
A general practice

Conclusion 4
Requirement of practice

1. The requirement of a general practice, as a constituent element of customary international law, refers primarily to the practice of States that contributes to the formation, or expression, of rules of customary international law.

2. In certain cases, the practice of international organizations also contributes to the formation, or expression, of rules of customary international law.

3. Conduct of other actors is not practice that contributes to the formation, or expression, of rules of customary international law, but may be relevant when assessing the practice referred to in paragraphs 1 and 2.

Conclusion 5
Conduct of the State as State practice

State practice consists of conduct of the State, whether in the exercise of its executive, legislative, judicial or other functions.

Conclusion 6
Forms of practice

1. Practice may take a wide range of forms. It includes both physical and verbal acts. It may, under certain circumstances, include inaction.

2. Forms of State practice include, but are not limited to: diplomatic acts and correspondence; conduct in connection with resolutions adopted by an international organization or at an intergovernmental conference; conduct in connection with treaties; executive conduct, including operational conduct "on the ground"; legislative and administrative acts; and decisions of national courts.

3. There is no predetermined hierarchy among the various forms of practice.

Conclusion 7
Assessing a State's practice

1. Account is to be taken of all available practice of a particular State, which is to be assessed as a whole.

2. Where the practice of a particular State varies, the weight to be given to that practice may, depending on the circumstances, be reduced.

Conclusion 8
The practice must be general

1. The relevant practice must be general, meaning that it must be sufficiently widespread and representative, as well as consistent.

2. Provided that the practice is general, no particular duration is required.

Part Four
Accepted as law (*opinio juris*)

Conclusion 9
Requirement of acceptance as law (*opinio juris*)

1. The requirement, as a constituent element of customary international law, that the general practice be accepted as law (*opinio juris*) means that the practice in question must be undertaken with a sense of legal right or obligation.

2. A general practice that is accepted as law (*opinio juris*) is to be distinguished from mere usage or habit.

Conclusion 10
Forms of evidence of acceptance as law (*opinio juris*)

1. Evidence of acceptance as law (*opinio juris*) may take a wide range of forms.

2. Forms of evidence of acceptance as law (*opinio juris*) include, but are not limited to: public statements made on behalf of States; official publications; government legal opinions; diplomatic correspondence; decisions of national courts; treaty provisions; and conduct in connection with resolutions adopted by an international organization or at an intergovernmental conference.

3. Failure to react over time to a practice may serve as evidence of acceptance as law (*opinio juris*), provided that States were in a position to react and the circumstances called for some reaction.

Part Five
Significance of certain materials for the identification of customary international law

Conclusion 11
Treaties

1. A rule set forth in a treaty may reflect a rule of customary international law if it is established that the treaty rule:

(a) codified a rule of customary international law existing at the time when the treaty was concluded;

(b) has led to the crystallization of a rule of customary international law that had started to emerge prior to the conclusion of the treaty; or

(c) has given rise to a general practice that is accepted as law (*opinio juris*), thus generating a new rule of customary international law.

2. The fact that a rule is set forth in a number of treaties may, but does not necessarily, indicate that the treaty rule reflects a rule of customary international law.

Conclusion 12
Resolutions of international organizations and intergovernmental conferences

1. A resolution adopted by an international organization or at an intergovernmental conference cannot, of itself, create a rule of customary international law.

2. A resolution adopted by an international organization or at an intergovernmental conference may provide evidence for determining the existence and content of a rule of customary international law, or contribute to its development.

3. A provision in a resolution adopted by an international organization or at an intergovernmental conference may reflect a rule of customary international law if it is established that the provision corresponds to a general practice that is accepted as law (*opinio juris*).

Conclusion 13
Decisions of courts and tribunals

1. Decisions of international courts and tribunals, in particular of the International Court of Justice, concerning the existence and content of rules of customary international law are a subsidiary means for the determination of such rules.

2. Regard may be had, as appropriate, to decisions of national courts concerning the existence and content of rules of customary international law, as a subsidiary means for the determination of such rules.

Conclusion 14
Teachings

Teachings of the most highly qualified publicists of the various nations may serve as a subsidiary means for the determination of rules of customary international law.

Part Six
Persistent objector

Conclusion 15
Persistent objector

1. Where a State has objected to a rule of customary international law while that rule was in the process of formation, the rule is not opposable to the State concerned for so long as it maintains its objection.

2. The objection must be clearly expressed, made known to other States, and maintained persistently.

3. The present conclusion is without prejudice to any question concerning peremptory norms of general international law (*jus cogens*).

Part Seven
Particular customary international law

Conclusion 16
Particular customary international law

1. A rule of particular customary international law, whether regional, local or other, is a rule of customary international law that applies only among a limited number of States.

2. To determine the existence and content of a rule of particular customary international law, it is necessary to ascertain whether there is a general practice among the States concerned that is accepted by them as law (*opinio juris*) among themselves.

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Seventy-third session
Sixth Committee
Agenda item 81
United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law

Draft resolution

United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law

The General Assembly,

Recalling its resolution 2099 (XX) of 20 December 1965, in which the General Assembly established the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law to contribute towards a better knowledge of international law as a means of strengthening international peace and security and promoting friendly relations and cooperation among States,

Reaffirming that the Programme of Assistance is a core activity of the United Nations and that it has provided the foundation for the efforts of the United Nations to promote a better knowledge of international law for more than half a century,

Recognizing the major contribution of the Programme of Assistance to the teaching and dissemination of international law for the benefit of lawyers in all countries, legal systems and regions of the world for more than half a century and the importance of ensuring the successful continuation of the Programme for the benefit of present and future generations of lawyers,

Emphasizing the important contribution of the Programme of Assistance, in particular the United Nations Regional Courses in International Law and the United Nations Audiovisual Library of International Law, to the furtherance of United Nations rule of law programmes and activities,

Reaffirming that the increasing demand for international law training and dissemination activities creates new challenges for the Programme of Assistance,

Recognizing the importance of the Programme of Assistance effectively reaching its beneficiaries, including with regard to languages, while bearing in mind limitations on available resources,

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Taking note with appreciation of the report of the Secretary-General on the implementation of the Programme of Assistance[1] and the views of the Advisory Committee on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, which are contained in the report,

Noting with satisfaction that resources have been provided under the programme budget for the organization of the United Nations Regional Courses in International Law on an annual basis and the further development of the United Nations Audiovisual Library of International Law,

Welcoming the organization, for the third time in the history of the Programme of Assistance, of all three of the United Nations Regional Courses in International Law, for Africa, for Asia-Pacific and for Latin America and the Caribbean, in the same calendar year,

Noting with satisfaction that the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea was awarded in 2018,

Considering that international law should occupy an appropriate place in the teaching of legal disciplines at all universities,

Convinced that States, international and regional organizations, universities and institutions should be encouraged to give further support to the Programme of Assistance and to increase their activities to promote the teaching, study, dissemination and wider appreciation of international law, in particular those activities which are of special benefit to persons from developing countries,

Reaffirming that in the conduct of the Programme of Assistance it would be desirable to use as far as possible the resources and facilities made available by Member States, international and regional organizations, universities, institutions and others,

Reaffirming also the hope that, in appointing highly qualified lecturers for the seminars to be held within the framework of the fellowship programmes in international law, account would be taken of the need to secure the representation of major legal systems and balance among various geographical regions,

1. *Reiterates its approval* of the guidelines and recommendations contained in section III of the reports of the Secretary-General,[2] in particular those designed to strengthen and revitalize the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law in response to the increasing demand for international law training and dissemination activities;

2. *Authorizes* the Secretary-General to carry out the activities specified in his report[1] in 2019, including the following activities to be financed from provisions in the regular budget:

(a) The International Law Fellowship Programme, with a minimum of 20 fellowships;

(b) The United Nations Regional Courses in International Law for Africa, for Asia-Pacific and for Latin America and the Caribbean, with a minimum of 20 fellowships for each course;

[1] A/73/415.

[2] A/70/423, A/71/432, A/72/517 and A/73/415.

(c) The United Nations Audiovisual Library of International Law, including its continuation and further development;

(d) The dissemination of legal publications and lectures of the Audiovisual Library to developing countries to the extent that there are sufficient resources;

3. *Also authorizes* the Secretary-General to further expand the activities referred to in paragraph 2 above, to be financed from voluntary contributions received pursuant to paragraphs 16, 25 and 26 below;

4. *Commends* the Codification Division of the Office of Legal Affairs of the Secretariat for the cost-saving measures undertaken with regard to the International Law Fellowship Programme and the United Nations Regional Courses in International Law to increase the number of fellowships for the training courses financed from provisions in the regular budget, taking into account the number of applications for these courses;

5. *Authorizes* the Secretary-General to award additional fellowships for the training courses from available resources under the programme budget for the Programme of Assistance and from voluntary contributions received pursuant to paragraph 25 below;

6. *Requests* the Secretary-General to consider admitting, for participation in the training courses, self-funded candidates present in the host country or from countries willing to bear the entire cost of their participation;

7. *Authorizes* the Secretary-General to award a minimum of one scholarship in 2019 under the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea, subject to the availability of funds from voluntary contributions;

8. *Requests* the Secretary-General to continue to include resources under the proposed programme budget for 2020 for the International Law Fellowship Programme, the United Nations Regional Courses in International Law for Africa, for Asia-Pacific and for Latin America and the Caribbean each year and for the continuation and further development of the United Nations Audiovisual Library of International Law;

9. *Expresses its appreciation* to the Secretary-General for the activities conducted under the Programme of Assistance and, in particular, for the efforts to strengthen, expand and enhance the international law training and dissemination activities within the framework of the Programme in 2018;

10. *Encourages* the Secretary-General to support the establishment of alumni networks of participants of the training programmes organized under the Programme of Assistance;

11. *Commends* the Secretary-General for the continuation and further development of the United Nations Audiovisual Library of International Law as a major contribution to the teaching and dissemination of international law around the world, and notes with appreciation the efforts of the Codification Division to enhance the accessibility of the Audiovisual Library by making all lectures in the Lecture Series available as podcasts;

12. *Recognizes* the importance of the United Nations legal publications prepared by the Office of Legal Affairs, and once again requests the Secretary-General to issue the publications referred to in his previous report[3] in various formats, including hard copy publications, which are essential for developing countries;

[3] A/70/423, para. 45.

13. *Expresses its appreciation* for the efforts undertaken by the Codification Division to bring up to date the United Nations legal publications, which greatly enhanced the timely issuance thereof and made possible the preparation of legal training materials, and encourages the Division to continue to explore ways of sustaining such efforts into the next biennium, subject to the availability of resources;

14. *Notes with satisfaction* the issuance of volume XXXI of the *Reports of International Arbitral Awards*;

15. *Expresses its appreciation* for the issuance of the English-language edition of the *International Law Handbook: Collection of Instruments* as a valuable resource for international law education on a broad range of core subjects of international law in its training courses and for academic institutions in developing countries to promote international law education in those countries;

16. *Also expresses its appreciation* for the issuance of the *Recueil de droit international: Collection d'instruments*, the French language equivalent of the *International Law Handbook*, and requests Member States to provide the voluntary contributions necessary to ensure the completion of such a handbook in the other official languages of the United Nations, as well as its dissemination in developing countries;

17. *Requests* the Codification Division to continue to maintain and expand its websites listed in the annex to the report of the Secretary-General as an invaluable tool for the dissemination of international law materials as well as for advanced legal research;

18. *Requests* that interns and research assistants be enlisted for the preparation of materials for the United Nations Audiovisual Library of International Law;

19. *Welcomes* the efforts of the Codification Division to revitalize and conduct the United Nations Regional Courses in International Law as an important training activity;

20. *Expresses its appreciation* to Ethiopia, Chile and Thailand for hosting the United Nations Regional Courses in International Law for Africa, for Latin America and the Caribbean and for Asia-Pacific in 2018;

21. *Expresses its appreciation* to the African Union for the valuable contribution it continues to make to the United Nations Regional Course in International Law for Africa;

22. *Once again encourages* the Codification Division to cooperate with the African Institute of International Law, dedicated to offering higher learning and research in international law needed for the development of Africa, in the implementation of the relevant activities under the Programme of Assistance;

23. *Expresses its appreciation* to the Hague Academy of International Law for the valuable contribution it continues to make to the Programme of Assistance, which has enabled candidates under the International Law Fellowship Programme to attend and participate in the Fellowship Programme in conjunction with courses at the Academy;

24. *Notes with appreciation* the contributions of the Hague Academy to the teaching, study, dissemination and wider appreciation of international law, and calls upon Member States and interested organizations to give favourable consideration to the appeal of the Academy for a continuation of support and a possible increase in their financial contributions, to enable the Academy to carry out its activities, particularly those relating to the summer and winter courses, regional courses and

programmes of the Centre for Studies and Research in International Law and International Relations;

25. *Requests* the Secretary-General to continue to publicize the Programme of Assistance and periodically to invite Member States, universities, philanthropic foundations and other interested national and international institutions and organizations, as well as individuals, to make voluntary contributions towards the financing of the Programme or otherwise to assist in its implementation and possible expansion;

26. *Reiterates its request* to Member States and interested organizations, institutions and individuals to make voluntary contributions for the United Nations Audiovisual Library of International Law and for the United Nations Regional Courses in International Law organized by the Codification Division as an important complement to the International Law Fellowship Programme;

27. *Expresses its appreciation* to those Member States that have made voluntary contributions to support the Programme of Assistance;

28. *Requests* the Secretary-General to report to the General Assembly at its seventy-fourth session on the implementation of the Programme of Assistance in 2019 and, following consultations with the Advisory Committee on the Programme of Assistance, to submit recommendations regarding the Programme in subsequent years;

29. *Decides* to include in the provisional agenda of its seventy-fourth session the item entitled "United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law".

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Seventy-third session
Sixth Committee
Agenda item 90
Protection of persons in the event of disasters

Draft resolution

Protection of persons in the event of disasters

The General Assembly,

Recalling its resolution 71/141 of 13 December 2016, in which it took note of the draft articles on the protection of persons in the event of disasters adopted by the International Law Commission at its sixty-eighth session,[1]

Recalling also that the Commission decided to recommend to the General Assembly the elaboration of a convention on the basis of the draft articles,[2]

Noting with concern the increasing number of disasters in the world, as well as their intensity and impact on affected populations,

Emphasizing the continuing importance of the codification and progressive development of international law, as referred to in Article 13, paragraph 1 (*a*), of the Charter of the United Nations,

Noting that the subject of the protection of persons in the event of disasters is of major importance in the relations of States,

1. *Takes note* of the views and comments expressed in the debates of the Sixth Committee at the seventy-third session of the General Assembly on this topic,[3] as well as the comments and observations received from Governments[4] on the draft articles and on any future action thereon;

2. *Also takes note* of the draft articles on the protection of persons in the event of disasters;[1]

3. *Brings to the attention* of States the recommendation by the International Law Commission that a convention[2] be elaborated on the basis of the draft articles,

[1] *Official Records of the General Assembly, Seventy-first Session, Supplement No. 10* (A/71/10), para. 48.
[2] Ibid., para. 46.
[3] See A/C.6/73/SR.28.
[4] See A/73/229.

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and requests the Secretary-General to invite Governments that have not yet done so to submit comments thereon;

4. *Decides* to include in the provisional agenda of its seventy-fifth session an item entitled "Protection of persons in the event of disasters".

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Seventy-third session
Sixth Committee
Agenda item 123
Revitalization of the work of the General Assembly

Under agenda item 123, "Revitalization of the work of the General Assembly", pursuant to paragraph 3 (b) of the annex to General Assembly resolution 58/316, each Main Committee shall adopt a provisional programme of work for the next session. Accordingly, the Bureau of the Sixth Committee has prepared a provisional programme of work for the seventy-fourth session of the General Assembly.

Draft decision

Provisional programme of work of the Sixth Committee for the seventy-fourth session

The Sixth Committee decides to adopt the following provisional programme of work for the seventy-fourth session of the General Assembly, as proposed by the Bureau:

Provisional programme of work[1]

7 October	Organization of work of the Sixth Committee
7 and 8 October	Measures to eliminate international terrorism
9 October	Criminal accountability of United Nations officials and experts on mission
10 and 11 October	The rule of law at the national and international levels
11 October	Responsibility of States for internationally wrongful acts
	Diplomatic protection
14 and 15 October	The scope and application of the principle of universal jurisdiction

[1] Indicating provisional dates in 2019 for debates under the respective items without prejudice to the allocation of additional meetings for working groups established and Secretariat briefings convened by the Sixth Committee.

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15 October	Administration of justice at the United Nations
17 October	Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization
18 October	Request(s) for observer status
21 October	Report of the United Nations Commission on International Trade Law on the work of its fifty-second session
22 October	Consideration of prevention of transboundary harm from hazardous activities and allocation of loss in the case of such harm
22 October	The law of transboundary aquifers
25 October	United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law
28 October to 1 November and 5 and 6 November	Report of the International Law Commission on the work of its seventy-first session
11 November	Report of the Committee on Relations with the Host Country
12 November	Revitalization of the work of the General Assembly
20 November	Programme planning
	Election of the officers of the Main Committees
24 October and 7 November	Reserved

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Seventy-third session
Agenda item 91

Draft resolution

Strengthening and promoting the international treaty framework

The General Assembly,

Recalling its resolutions 23 (I) of 10 February 1946, 97 (I) of 14 December 1946, 364 B (IV) of 1 December 1949, 482 (V) of 12 December 1950, 32/144 of 16 December 1977, 33/141 A of 19 December 1978 and 51/158 of 16 December 1996,

Recalling also its resolution 71/328 of 11 September 2017, which recognizes that multilingualism is a core value of the Organization that contributes to the achievement of the goals of the United Nations,

Conscious of the obligations resulting from Article 102 of the Charter of the United Nations and the importance of treaties in the development of international law and the international legal order,

Noting with appreciation the role of the Secretariat, in particular the Treaty Section of the Office of Legal Affairs, in the implementation of Article 102 of the Charter,

Noting that the considerable increase in the number of treaties submitted for registration over the past years has led to the growth in the volume of work carried out by the Treaty Section, contributing to the accumulation of unpublished treaties,

Noting also that, while the authentic texts of registered treaties are promptly made available online through the electronic treaty database, there is currently a significant backlog in the publication of the United Nations *Treaty Series* due to growing delays in the translation of treaties related, inter alia, to the limited resources available for the publication process,

Recognizing the importance of the expeditious processing, registration and publication of treaties and treaty-related actions,

Supporting the efforts of the Secretary-General to increase the efficiency of the registration and publication process within available resources and to enhance the role played by the Treaty Section in assisting Member States in this area,

Welcoming the measures taken by the Treaty Section to expedite the publication of the United Nations *Treaty Series* and to provide electronic access to all of its

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publications on the website of the United Nations Treaty Collection, and recognizing the role that new technology can play in the accessibility of the United Nations *Treaty Series*,

Recognizing that practice and technology have developed considerably since the last amendment to the General Assembly regulations to give effect to Article 102 of the Charter, and acknowledging the importance of maintaining consistency with treaty-making practice in the international community,

Bearing in mind the provisions of the Vienna Convention on the Law of Treaties,[1] and considering its adoption on 22 May 1969 by the United Nations Conference on the Law of Treaties,

Convinced of the need to further gather and exchange views on practice relating to the strengthening and promoting of the international treaty framework,

1. *Recalls* Article 102 of the Charter of the United Nations, reaffirms the importance of the registration and publication of treaties, as well as their accessibility, and stresses that the regulations should be useful and relevant to Member States and should be kept updated to assist States in implementing their obligations thereunder;

2. *Takes note* of the report of the Secretary-General, entitled "Review of the regulations to give effect to Article 102 of the Charter of the United Nations",[2] submitted pursuant to its resolution 71/148 of 13 December 2016, and the recommendations contained therein for consideration by the General Assembly;

3. *Amends* the regulations as detailed in the annex to the present resolution, which, as amended, will apply as from 1 February 2019;

4. *Notes* that some Member States consider that there remain outstanding issues where the regulations may need further consideration or possible updating;

5. *Reaffirms* its support for the annual treaty event organized by the Secretary-General;

6. *Welcomes* the organization of workshops on treaty practice by the Treaty Section at Headquarters and at the national and regional levels as an important capacity-building initiative, encourages the Treaty Section to continue to do so as regularly as possible, and invites States to continue to support this activity;

7. *Also welcomes* efforts to build the capacity of States in treaty law and practice, and invites Member States to consider providing targeted technical assistance, upon request, at the bilateral, regional and multilateral levels, in particular to developing countries, in order to develop and enhance their treaty practice, including in the use of information and communications technology;

8. *Further welcomes* the efforts made to develop and enhance the United Nations electronic treaty database, which provides online access to comprehensive information on the depositary functions of the Secretary-General and the registration and publication of treaties under Article 102 of the Charter, and encourages the continuation of such efforts in the future, while bearing in mind the challenges that many developing countries face in accessing information and communications technology;

9. *Recognizes* the importance of the legal publications prepared by the Treaty Section, and stresses the need to update the *Summary of Practice of the Secretary-*

[1] United Nations, *Treaty Series*, vol. 1155, No. 18232.
[2] A/72/86.

General as Depositary of Multilateral Treaties in the light of new developments and practices;

10. *Acknowledges* the efforts of the depositaries in the registration of treaties under Article 102 of the Charter, and encourages the continuation of such efforts in the future;

11. *Calls upon* the Secretary-General to ensure the expedited publication of the United Nations *Treaty Series*, in accordance with the regulations, through the prompt provision of editorial and translation services, to enable effective dissemination of and access to treaties;

12. *Requests* the Secretary-General to provide, at its seventy-fifth session, a report, following broad consultations with Member States, with information on practice and possible options to review the regulations, taking into account outstanding issues identified by Member States;

13. *Decides* to include in the provisional agenda of its seventy-fifth session the item entitled "Strengthening and promoting the international treaty framework".

Annex

Regulations to give effect to article 102 of the Charter of the United Nations

Part One
Registration

Article 1

1. Every treaty or international agreement, whatever its form and descriptive name, entered into by one or more Members of the United Nations after 24 October 1945, the date of the coming into force of the Charter, shall as soon as possible be registered with the Secretariat in accordance with these regulations.

2. Registration shall not take place until the treaty or international agreement has come into force between two or more of the parties thereto.

3. Such registration may be effected by any party or in accordance with article 4 of these regulations. Without prejudice to the right of a party to a treaty or international agreement to submit it for registration, when a treaty or international agreement designates a depositary, the depositary is encouraged to effect registration unless otherwise provided in the treaty or international agreement or agreed by its parties.

4. The Secretariat shall record the treaties and international agreements so registered in a register established for that purpose.

Article 2

1. When a treaty or international agreement has been registered with the Secretariat, a certified statement regarding any subsequent action which effects a change in the parties thereto, or the terms, scope or application thereof, shall also be registered with the Secretariat.

2. The Secretariat shall record the certified statement so registered in the register establishment under article 1 of these regulations.

Article 3

1. Registration by a party, in accordance with article 1 of these regulations, relieves all other parties of the obligation to register. Registration by a depositary, in accordance with article 1 of these regulations, relieves all parties of the obligation to register.

2. Registration effected in accordance with article 4 of these regulations relieves all parties of the obligation to register.

Article 4

1. Every treaty or international agreement subject to article 1 of these regulations shall be registered *ex officio* by the United Nations in the following cases:

(a) Where the United Nations is a party to the treaty or international agreement;

(b) Where the United Nations has been authorized by the treaty or international agreement to effect registration;

(c) Where the United Nations is the depositary of a multilateral treaty or international agreement.

2. A treaty or international agreement subject to article 1 of these regulations may be registered with the Secretariat by a specialized agency in the following cases:

(a) Where the constituent instrument of the specialized agency provides for such registration;

(b) Where the treaty or international agreement has been registered with the specialized agency pursuant to the terms of its constituent instrument;

(c) Where the specialized agency has been authorized by the treaty or international agreement to effect registration.

Article 5

1. Any submission for registration under article 1 or 4 of these regulations shall include a certified copy of the treaty or international agreement, either in electronic or hard-copy format, together with a statement certifying that the text is a true and complete copy thereof.

2. The certified copy shall reproduce the text in all the languages in which the treaty or international agreement was concluded, including all annexes or attachments constituting an integral part of the treaty or international agreement. In the case of multilateral treaties or agreements, it shall also include the text of all reservations or declarations made or confirmed by the parties at the time of deposit of their instruments of consent to be bound, in all authentic languages in which these reservations or declarations were made.

3. The certifying statement shall set forth:

(a) The full title of the treaty or international agreement;

(b) The date(s) and place(s) of conclusion of the treaty or international agreement;

(c) The date on which the treaty or international agreement has come into force;

(d) The method whereby it has come into force (for example: by signature, by ratification, approval or acceptance, by accession, etcetera);

(e) The authentic languages in which it was concluded;

(f) When applicable, the names and official titles of the persons that have signed the treaty or international agreement on behalf of each party.

4. In the case of multilateral treaties or agreements, the certifying statement shall include, in addition to the information described in paragraph 3 of this article:

(a) A list of all the parties to the treaty or international agreement, indicating the date of deposit of each party's instrument of consent to be bound, the nature of such instrument (ratification, approval, acceptance, accession, etcetera) and the date of entry into force of the treaty for each party; and

(b) A certification that it includes all reservations or declarations made by parties thereto.

5. The requirements set forth in this article shall also apply to subsequent actions submitted pursuant to article 2 of these regulations.

Article 6

The date of receipt by the Secretariat of the United Nations of the treaty or international agreement registered shall be deemed to be the date of registration,

provided that the date of registration of a treaty or agreement registered *ex officio* by the United Nations shall be the date on which the treaty or agreement first came into force between two or more of the parties thereto.

Article 7

A certificate of registration signed by the Secretary-General, or his or her representative, shall be issued to the registering party, or specialized agency or depositary, and also, upon request, to any party to the treaty or international agreement registered. Certificates of registration shall also be made public through electronic means.

Article 8

1. The register shall be kept in the English and French languages. The register shall comprise in respect of each treaty or international agreement, a record of:

(a) The serial number given in the order of registration;

(b) The title given to the instrument by the parties;

(c) The names of the parties between whom it was concluded;

(d) The dates of signature, ratification, approval or acceptance, exchange of ratification, accession, and entry into force;

(e) The duration, where appropriate;

(f) The language or languages in which it was drawn up;

(g) The name of the party, specialized agency or depositary which registers the instrument and the date of such registration;

(h) Particulars of publication in the treaty series of the United Nations.

2. Such information shall also be included in the register in regard to the statements registered under article 2 of these regulations.

3. The texts of registered treaties or international agreements, together with the certifying statements shall remain in the custody of the Secretariat.

Article 9

The Secretary-General, or his or her representative, shall ensure that the register be publicly accessible, including through electronic means.

Part Two
Filing and Recording

Article 10

The Secretariat shall file and record treaties and international agreements, other than those subject to registration under article 1 of these regulations, if they fall in the following categories:

(a) Treaties or international agreements entered into by the United Nations or by one or more of the specialized agencies;

(b) Treaties or international agreements transmitted by a Member of the United Nations which were entered into before the coming into force of the Charter, but which were not included in the treaty series of the League of Nations;

(c) Treaties or international agreements transmitted by a party not a member of the United Nations which were entered into before or after the coming into force of the Charter which were not included in the treaty series of the League of Nations.

Article 11

The provisions of articles 2, 5 and 8 of these regulations shall apply, *mutatis mutandis*, to all treaties and international agreements filed and recorded under article 10 of these regulations.

Part Three
Publication

Article 12

1. The Secretariat shall publish as soon as possible in a single series every treaty or international agreement which is registered or filed and recorded, in the original language or languages, followed by a translation in English and in French. The certified statements referred to in article 2 of these regulations shall be published in the same manner.

2. The Secretariat will, however, have the option not to publish *in extenso* a bilateral treaty or international agreement belonging to one of the following categories:

(a) Assistance and cooperation agreements of limited scope concerning financial, commercial, administrative or technical matters;

(b) Agreements relating to the organization of conferences, seminars or meetings;

(c) Agreements that are to be published otherwise than in the series mentioned in paragraph 1 of this article by the United Nations Secretariat, or by a specialized or related agency.

3. In deciding whether or not to publish *in extenso* a treaty or international agreement belonging to one of the categories mentioned in paragraph 2 of this article, the Secretariat shall duly take into account, *inter alia*, the practical value that might accrue from *in extenso* publication. Treaties and international agreements that the Secretariat intends not to publish *in extenso* shall be identified as such in the register, it being understood that a decision not to publish *in extenso* may be reversed at any time.

4. Any State or intergovernmental organization may obtain from the Secretary-General a copy of the text of any treaty or international agreement which it has been decided, pursuant to paragraph 2 of this article, not to publish *in extenso*. The Secretariat shall likewise make a copy of any such treaty or agreement available to private persons against payment.

5. In respect of each treaty or international agreement registered or filed and recorded, the series referred to in paragraph 1 of this article shall include at least the following information: the registration or recording number, the names of the parties, the title, the date and place of conclusion, the date and method of entry into force, the duration (where appropriate), the languages of conclusion, the name of the State or organization that has registered it or transmitted it for filing and recording, and, if appropriate, references to publications in which the complete text of the treaty or international agreement is reproduced.

Article 13

The Secretariat shall make available the series referred to in article 12 of these regulations through any electronic means that may be available. It shall send printed copies of the series to Members of the United Nations, upon request.

United Nations A/C.6/73/L.29

General Assembly

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Agenda items 82 and 136

Report of the International Law Commission on the work of its seventieth session

Programme budget for the biennium 2018–2019

Report of the International Law Commission on the work of its seventieth session

Programme budget implications of draft resolution A/C.6/73/L.22

Statement submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly

I. Request contained in draft resolution

1. Under the terms of operative paragraph 18 of draft resolution A/C.6/73/L.22, the General Assembly would take note of paragraph 395 of the report of the International Law Commission and decide that the next session of the Commission would be held at the United Nations Office at Geneva from 29 April to 7 June and from 8 July to 9 August 2019.

II. Relationship of the proposed request to the biennial programme plan and priorities for the period 2018–2019 and to the programme budget for the biennium 2018–2019

2. The activities referred to in the draft resolution relate to programme 6, Legal affairs, of the biennial programme plan and priorities for the period 2018–2019 (see A/71/6/Rev.1) and to section 8, Legal affairs, of the programme budget for the biennium 2018–2019 (see A/72/6 (Sect. 8) and A/72/6 (Sect. 8)/Corr.1).

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III. Activities by which the proposed request would be implemented

3. The amount of $3,008,100 included in the programme budget for the biennium 2018–2019 under section 8, Legal affairs, for the International Law Commission covers: (a) attendance by the Chair and 33 members at the annual session in Geneva; (b) attendance by the Chair at the regular sessions of the General Assembly during the consideration of the report of the Commission; (c) travel expenses for staff to service the sessions of the Commission; and (d) non-staff compensation, payable at the rate set by the Assembly in its resolution 56/272. The approved budget amount is based on an 11-week session in 2018 and a 10-week session in 2019, with an assumed average attendance at the annual session of 82 per cent of the membership.

4. It is anticipated that the decision to hold the next session of the International Law Commission at the United Nations Office at Geneva from 29 April to 7 June and from 8 July to 9 August 2019, as set out in operative paragraph 18 of the draft resolution, would entail additional resource requirements in the amount of $128,100 for the following:

(a) Travel expenses for members for seven additional days ($114,900);

(b) Travel expenses for staff for seven additional days ($13,200).

IV. Financial implications of the proposal

5. Should the General Assembly adopt draft resolution A/C.6/73/L.22, thus deciding to hold an 11-week session in 2019, additional resources in the amount of $128,100 would be required under section 8, Legal affairs, of the programme budget for the biennium 2018–2019.

Additional resource requirements

(United States dollars)

	Resource requirements for the biennium 2018–2019
Section 8, Legal affairs	
Travel expenses for members	114 900
Travel expesnes for staff	13 200
Total	**128 100**

V. Potential for absorption during the biennium 2018–2019

6. As the provisions made in the programme budget for the biennium 2018–2019 for the implementation of the activities requested under operative paragraph 18 of the draft resolution would not be sufficient, and as it is not possible to identify activities within section 8 of the programme budget for the biennium that could be terminated, deferred, curtailed or modified during the biennium at the current stage, it would therefore be necessary to provide additional non-recurrent resources in the amount of $128,100 through an additional appropriation for the biennium 2018–2019.

VI. Contingency fund

7. It will be recalled that, under the procedures established by the General Assembly in its resolutions 41/213 and 42/211, a contingency fund is established for each biennium to accommodate additional expenditures derived from legislative mandates not provided for in the programme budget. Under this procedure, if additional expenditures were proposed that exceeded the resources available from the fund, the activities concerned would be implemented only through the redeployment of resources from low-priority areas or the modification of existing activities. Otherwise, such additional activities would have to be deferred to a later biennium.

VII. Conclusion and action required of the General Assembly

8. **Should the General Assembly adopt draft resolution A/C.6/73/L.22, additional resource requirements in the amount of $128,100 would arise under section 8, Legal affairs, of the programme budget for the biennium 2018–2019. The amount of $128,100 would represent a charge against the contingency fund and, as such, would require additional appropriation for the biennium 2018–2019 to be approved by the Assembly.**